

CHAPTER 1

OVERVIEW

1-1 PURPOSE

The purpose of the Japan Environmental Governing Standards (JEGS) is to ensure DOD activities and installations in Japan protect human health and the natural environment through the promulgation of specific policies, procedures and environmental compliance criteria. This document implements DOD Directive 6050.16, dated 20 September 1991, and the Overseas Environmental Baseline Guidance Document (OEBGD), dated October 1992, and supplements Executive Order 12088, dated 13 October 1978.

1-2 APPLICABILITY

This document applies to all DOD installations and organizational activities in Japan. It does not apply to ships, aircraft, or operational and training requirements off-base. Specifically this document does not apply to:

- a. Operations of U.S. Naval vessels or U.S. military aircraft, which will be operated in accordance with other DOD policies and directives and applicable international agreements;
- b. Facilities and activities covered under Executive Order 12344, Naval Nuclear Propulsion Program, and conducted pursuant to 42 U.S.C. 7158; and
- c. The determination or conduct of remedial or cleanup actions to correct environmental problems caused by past DOD activities. Such actions shall be determined and conducted in accordance with applicable international agreements, Status of Forces Agreement, and U.S. governmental policy.

1-3 CONFLICTS BETWEEN JAPAN ENVIRONMENTAL GOVERNING STANDARDS AND OTHER POLICIES AND DIRECTIVES

1-3.1 Each activity and installation will comply with those portions of DOD and their respective service component land-use and environmental policies and directives that apply overseas to the extent that those policies and directives do not DIRECTLY conflict with JEGS.

1-3.2 Activities and installations that wish to use conflicting DOD or service component policies or directives in lieu of JEGS must follow the variance provisions set forth in Section 1-9.2, or the waiver provisions set forth in Section 1-11, depending on whether the proposed policies or directives are more or less stringent than JEGS.

1-3.3 Activities and installations will notify USFJ of any directly conflicting policies or directives they discover.

1-3.4 The installation commander of designated representative has the authority to inspect all activities on the installation to ensure environmental compliance with the Japan environmental Governing Standards.

1-4 DEFINITIONS

1-4.1 For the purposes of this document, unless otherwise indicated, the following definitions apply to a facility, source, or other physical object:

- a. New. Any facility, source or project with a construction/project start date on or after 1 October 1995.
- b. Existing. Any facility, source or project in use or under construction before 1 October 1995, unless it is subsequently substantially modified.

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- c. Substantial modification. Any modification the cost of which exceeds \$1 million, regardless of funding source.

1-4.2 Japan Environmental Governing Standards (JEGS). Specific environmental compliance criteria, typically limitations on effluent, discharges, etc., or specific management practices with which all DOD activities and installations in Japan must comply.

1-5 LEGAL EFFECT OF JEGS

This document does not create any rights or obligations enforceable against the United States, DOD, or any of its services or agencies, nor does it create any standard of care or practice for individuals. Although this document references other DOD directives and instructions, it is intended only to coordinate the requirements of those directives as necessary to implement policies found in DOD Directive 6050.16. This document does not change other DOD directives or alter DOD policies.

1-6 STRATEGY

DOD policy is to be on the forefront of environmental compliance and protection. These **JEGS** implement that policy by integrating applicable U.S. and Japanese laws.

1-7 PERMITS AND LICENSES

In accordance with the Status of Forces Agreement (SOFA) between the United States and Japan, Japanese permits and licenses are not required by DOD activities and installations. Specific permits and licenses may, however, be required for certain contracted activities as specified herein.

1-8 RESPONSIBILITIES

1-8.1 COMUSJAPAN as the Environmental Executive Agent (EEA) will:

- a. Continually monitor the status of Japanese environmental standards, including those specifically delegated to regional or local governments for implementation; determine their applicability to DOD installations and activities; and maintain copies of applicable Japanese environmental documents, standards, and regulations. In determining the applicability of Japanese standards to DOD installations and activities, COMUSJAPAN will:
 - (1) Consider the SOFA together with other relevant international agreements;
 - (2) Review the environmental enforcement record and history of Japan with respect to enforcement activities against the public and private sector, and monitor Japanese environmental trends; and
 - (3) Consult with the U.S. diplomatic mission, PACOM, and other DOD components, including DLA, operating in Japan.
- b. Revalidate JEGS every two years.
- c. Keep DOD components informed of current environmental developments and trends.
- d. Coordinate DOD component training/education programs for all personnel responsible for environmental compliance. The training/education programs will be specifically tailored to Japan.

1-8.2 Military activities and installations will:

- a. Comply with JEGS.
- b. Allocate resources to achieve and maintain compliance with JEGS.

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- c. Program and budget for environmental compliance projects.
- d. Conduct environmental compliance self-audits.
- e. Ensure that contracts for services or construction, where performance takes place on the installation, comply with JEGS, and are administered to enforce such compliance.
- f. Ensure that host-tenant agreements address compliance with JEGS.
- g. Develop and conduct training/education programs to instruct all personnel in the environmental aspect of their jobs.
- h. Establish an Environmental Protection Council (or equivalent) to provide periodic assessment of the installation's environmental compliance programs and projects.

1-8.3 Units deploying into Japan will include an environmental annex in their deployment plan.

1-9 IMPLEMENTATION

1-9.1 COMUSJAPAN will forward JEGS to activities and installations, via the chain of command.

1-9.2 DOD activities and installations in Japan may issue supplementary criteria that are more protective of the environment than required by these standards, provided that they first obtain the concurrence of COMUSJAPAN. Requests for more stringent criteria will be evaluated based on their impact upon other activities and installations and upon their relationship with Japanese governmental agencies. DOD activities and installations must clearly identify variances from the Japan Environmental Governing Standards in all requests for resources.

1-9.3 These standards are not issued as a punitive directive. Installation and activity commanders are authorized, however, to issue punitive orders to implement these standards.

1-9.4 Disputes involving implementation of these standards between DOD activities or installations and Japanese agencies will be forwarded to COMUSJAPAN for resolution.

1-10 AUDITING

1-10.1 Within the context of this document, auditing is the process of conducting a systematic, documented, periodic assessment of installations in Japan to determine their overall environmental compliance status. This auditing process does not address specific actions related to installation closures or the determination or conduct of remedial, or cleanup, actions to correct past environmental problems.

1-10.2 The objectives of the auditing program are to:

- a. Determine overall environmental compliance status.
- b. Improve and enhance installation environmental compliance.
- c. Improve and enhance installation environmental program management.
- d. Identify and provide support for financial programs and budgets for environmental compliance program management.
- e. Anticipate the need for future environmental programs.

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- f. Ensure that the Environmental Executive Agent, DOD components and DOD installation commanders are effectively addressing environmental problems which could:
 - (1) Impact mission effectiveness;
 - (2) Jeopardize the health or safety of installation personnel or the general public;
 - (3) Significantly degrade the environment;
 - (4) Expose the installation and its people to avoidable financial liabilities as a result of non-compliance with environmental requirements;
 - (5) Erode Japanese confidence in the U.S. and the defense establishment; or
 - (6) Expose individuals to civil and criminal liability.
- g. Ensure all personnel are trained/educated in the environmental aspects of their job.

1-10.3 Installations Subject to Auditing. All activities and installations in Japan will be subject to auditing, unless excluded per applicable service component directive.

1-10.4 Responsibility. Within every installation, the Environmental Protection Council (EPC) or equivalent is responsible for establishing and implementing the installation auditing program.

1-10.5 Frequency. External environmental compliance audits encompassing all media shall be conducted at least once every three years or when directed by USCINCPAC or COMUSJAPAN. These audits shall use personnel from different installations, levels of command, or contractors.

1-10.6 Each major installation will conduct an internal audit covering all applicable media program areas each calendar year (except in years when external audits are conducted).

1-11 WAIVERS

1-11.1 Military activities and installations may seek a waiver to deviate from the JEGS if compliance will:

- a. Seriously impair operations;
- b. Adversely affect relations with Japan; or
- c. Require substantial expenditure of funds not available for such purposes.

1-11.2 To obtain a waiver, activity or installation commanders shall seek approval from their service component headquarters. If the headquarters concurs in the request, they will forward the request to COMUSJAPAN for action. COMUSJAPAN will consult with the relevant military departments and defense agencies, U.S. Embassy (Tokyo) and USCINCPAC on all requests. COMUSJAPAN shall either take final action on the request or will forward the request to USCINCPAC for action. COMUSJAPAN shall maintain written records of all waivers granted.

1-11.3 If an activity is a tenant, it will first consult with its headquarters, then submit its waiver request through the installation commander concerned. If it is approved, the request will be submitted through the service component commander of the installation concerned to COMUSJAPAN for action.

1-11.4 In those cases where DOD activities discover prevailing Japanese prefectural or local municipal standards are more stringent than those of the JEGS, the Environmental Executive Agent (EEA) will be notified. The EEA will decide whether or not a waiver will be granted.

1-11.5 Under exigent circumstances, COMUSJAPAN may grant temporary waivers or deviations, prior to consulting with relevant military departments and defense agencies, U.S. Embassy (Tokyo) and USCINCPAC.

1-11.6 No waiver of treaty obligations may be granted under this process.

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